

used with (or intended to be used with) fixed-pitch propellers, propeller-law auxiliary engines, and any other engines for which the other duty cycles of this section do not apply. Use this duty cycle also for commercial variable-speed propulsion marine engines that are used with (or intended to be used with) controllable-pitch propellers or with electrically coupled propellers, unless these engines are not intended for sustained operation (e.g., for at least 30 minutes) at all four modes when installed in the vessel.

(2) *Recreational marine engines.* Except as specified in paragraph (b)(3) of this section, use the 5-mode duty cycle or the corresponding ramped-modal cycle described in paragraph (b) of Appendix II of this part for recreational marine engines with maximum engine power at or above 37 kW.

(3) *Controllable-pitch and electrically coupled propellers.* Use the 4-mode duty cycle or the corresponding ramped-modal cycle described in paragraph (c) of Appendix II of this part for constant-speed propulsion marine engines that are used with (or intended to be used with) controllable-pitch propellers or with electrically coupled propellers. Use this duty cycle also for variable-speed propulsion marine engines that are used with (or intended to be used with) controllable-pitch propellers or with electrically coupled propellers if the duty cycles in paragraph (b)(1) and (b)(2) of this section do not apply.

(4) *Constant-speed auxiliary engines.* Use the 5-mode duty cycle or the corresponding ramped-modal cycle described in 40 CFR Part 1039, Appendix II, paragraph (a) for constant-speed auxiliary engines.

(5) *Variable-speed auxiliary engines.* (i) Use the duty cycle specified in paragraph (b)(1) of this section for propeller-law auxiliary engines.

(ii) Use the 6-mode duty cycle or the corresponding ramped-modal cycle described in 40 CFR Part 1039, Appendix II, paragraph (b) for variable-speed auxiliary engines with maximum engine power below 19 kW that are not propeller-law engines.

(iii) Use the 8-mode duty cycle or the corresponding ramped-modal cycle described in 40 CFR Part 1039, Appendix III, paragraph (c) for variable-speed

auxiliary engines with maximum engine power at or above 19 kW that are not propeller-law engines.

(c) For constant-speed engines whose design prevents full-load operation for extended periods, you may ask for approval under 40 CFR 1065.10(c) to replace full-load operation with the maximum load for which the engine is designed to operate for extended periods.

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§ 1042.515 Test procedures related to not-to-exceed standards.

(a) This section describes the procedures to determine whether your engines meet the not-to-exceed emission standards in § 1042.101(c). These procedures may include any normal engine operation and ambient conditions that the engines may experience in use. Paragraphs (c) through (e) of this section define the limits of what we will consider normal engine operation and ambient conditions.

(b) Measure emissions with one of the following procedures:

(1) Remove the selected engines for testing in a laboratory. You may use an engine dynamometer to simulate normal operation, as described in this section. Use the equipment and procedures specified in 40 CFR part 1065 to conduct laboratory testing.

(2) Test the selected engines while they remain installed in a vessel. Use the equipment and procedures specified in 40 CFR part 1065 subpart J, to conduct field testing. Use fuel meeting the specifications of 40 CFR part 1065, subpart H, or a fuel typical of what you would expect the engine to use in service.

(c) Engine testing may occur under the following ranges of ambient conditions without correcting measured emission levels:

(1) Atmospheric pressure must be between 96.000 and 103.325 kPa, except that manufacturers may test at lower atmospheric pressures if their test facility is located at an altitude that makes it impractical to stay within this range. This pressure range is intended to allow testing under most weather conditions at all altitudes up to 1,100 feet above sea level.

(2) Ambient air temperature must be between 13 and 35 °C (or between 13 °C

and 30 °C for engines not drawing intake air directly from a space that could be heated by the engine).

(3) Ambient water temperature must be between 5 and 27 °C.

(4) Ambient humidity must be between 7.1 and 10.7 grams of moisture per kilogram of dry air.

(d) Engine testing may occur at any conditions expected during normal operation but that are outside the conditions described in paragraph (b) of this section, as long as measured values are corrected to be equivalent to the nearest end of the specified range, using good engineering judgment. Correct NO_x emissions for humidity as specified in 40 CFR part 1065, subpart G.

(e) The sampling period may not begin until the engine has reached stable operating temperatures. For example, this would include only engine operation after starting and after the engine thermostat starts modulating the engine's coolant temperature. The sampling period may not include engine starting.

(f) Apply the NTE standards specified in §1042.101(c) to an engine family based on the zones and subzones corresponding to specific duty cycles and engine types as defined in Appendix III of this part. For an engine family certified to multiple duty cycles, the broadest applicable NTE zone applies for that family at the time of certification. Whenever an engine family is certified to multiple duty cycles and a specific engine from that family is tested for NTE compliance in use, determine the applicable NTE zone for that engine according to its in-use application. An engine family's NTE zone may be modified as follows:

(1) You may ask us to approve a narrower NTE zone for an engine family at the time of certification, based on information such as how that engine family is expected to normally operate in use. For example, if an engine family is always coupled to a pump or jet drive, the engine might be able to operate only within a narrow range of engine speed and power.

(2) You may ask us to approve a Limited Testing Region (LTR). An LTR is a region of engine operation, within the applicable NTE zone, where you have demonstrated that your engine

family operates for no more than 5.0 percent of its normal in-use operation, on a time-weighted basis. You must specify an LTR using boundaries based on engine speed and power (or torque), where the LTR boundaries must coincide with some portion of the boundary defining the overall NTE zone. Any emission data collected within an LTR for a time duration that exceeds 5.0 percent of the duration of its respective NTE sampling period (as defined in paragraph (c)(3) of this section) will be excluded when determining compliance with the applicable NTE standards. Any emission data collected within an LTR for a time duration of 5.0 percent or less of the duration of the respective NTE sampling period will be included when determining compliance with the NTE standards.

(3) You must notify us if you design your engines for normal in-use operation outside the applicable NTE zone. If we learn that normal in-use operation for your engines includes other speeds and loads, we may specify a broader NTE zone, as long as the modified zone is limited to normal in-use operation for speeds greater than 70 percent of maximum test speed and loads greater than 30 percent of maximum power at maximum test speed (or 30 percent of maximum test torque for constant-speed engines).

(4) You may exclude emission data based on ambient or engine parameter limit values as follows:

(i) *NO_x catalytic aftertreatment minimum temperature.* For an engine equipped with a catalytic NO_x aftertreatment system, exclude NO_x emission data that is collected when the exhaust temperature is less than 250 °C, as measured within 30 cm downstream of the last NO_x aftertreatment device. Where there are parallel paths, measure the temperature 30 cm downstream of the last NO_x aftertreatment device in the path with the greatest exhaust flow.

(ii) *Oxidizing aftertreatment minimum temperature.* For an engine equipped with an oxidizing catalytic aftertreatment system, exclude HC, CO, and PM emission data that is collected when the exhaust temperature is less than 250 °C, as measured within 30 cm downstream of the last oxidizing

aftertreatment device. Where there are parallel paths, measure the temperature 30 cm downstream of the last oxidizing aftertreatment device in the path with the greatest exhaust flow.

(iii) *Other parameters.* You may request our approval for other minimum or maximum ambient or engine parameter limit values at the time of certification.

(g) For engines equipped with emission controls that include discrete regeneration events, if a regeneration event occurs during the NTE test, the averaging period must be at least as long as the time between the events multiplied by the number of full regeneration events within the sampling period. This requirement applies only for engines that send an electronic signal indicating the start of the regeneration event.

§ 1042.520 What testing must I perform to establish deterioration factors?

Sections 1042.240 and 1042.245 describe the required methods for testing to establish deterioration factors for an engine family.

§ 1042.525 How do I adjust emission levels to account for infrequently regenerating aftertreatment devices?

This section describes how to adjust emission results from engines using aftertreatment technology with infrequent regeneration events. See paragraph (e) of this section for how to adjust ramped-modal testing. See paragraph (f) of this section for how to adjust discrete-mode testing. For this section, “regeneration” means an intended event during which emission levels change while the system restores aftertreatment performance. For example, exhaust gas temperatures may increase temporarily to remove sulfur from adsorbers or to oxidize accumulated particulate matter in a trap. For this section, “infrequent” refers to regeneration events that are expected to occur on average less than once over the applicable transient duty cycle or ramped-modal cycle, or on average less than once per typical mode in a discrete-mode test.

(a) *Developing adjustment factors.* Develop an upward adjustment factor and

a downward adjustment factor for each pollutant based on measured emission data and observed regeneration frequency. Adjustment factors should generally apply to an entire engine family, but you may develop separate adjustment factors for different engine configurations within an engine family. If you use adjustment factors for certification, you must identify the frequency factor, *F*, from paragraph (b) of this section in your application for certification and use the adjustment factors in all testing for that engine family. You may use carryover or carry-across data to establish adjustment factors for an engine family, as described in § 1042.235(d), consistent with good engineering judgment. All adjustment factors for regeneration are additive. Determine adjustment factors separately for different test segments. For example, determine separate adjustment factors for different modes of a discrete-mode steady-state test. You may use either of the following different approaches for engines that use aftertreatment with infrequent regeneration events:

(1) You may disregard this section if regeneration does not significantly affect emission levels for an engine family (or configuration) or if it is not practical to identify when regeneration occurs. If you do not use adjustment factors under this section, your engines must meet emission standards for all testing, without regard to regeneration.

(2) If your engines use aftertreatment technology with extremely infrequent regeneration and you are unable to apply the provisions of this section, you may ask us to approve an alternate methodology to account for regeneration events.

(b) *Calculating average adjustment factors.* Calculate the average adjustment factor (EF_A) based on the following equation:

$$EF_A = (F)(EF_H) + (1 - F)(EF_L)$$

Where:

F = The frequency of the regeneration event during normal in-use operation, expressed in terms of the fraction of equivalent tests during which the regeneration occurs. You may determine *F* from in-use operating data or running replicate tests. For example, if you observe